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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 LINDA BAYS,

8 Plaintiff,

9 v.

10 CITY OF KENNEWICK,
11 KENNEWICK POLICE
12 DEPARTMENT, BENTON COUNTY
13 JAIL, OFFICER JOE JACKSON,
14 ASSISTANT CITY ATTORNEY,
15 CODEE L. McDANIEL, and JOHN
16 and/or JANE DOES,

17 Defendants.

NO: 2:17-CV-0310-TOR

ORDER GRANTING DEFENDANT
BENTON COUNTY JAIL'S MOTION
TO DISMISS

18 BEFORE THE COURT is Defendant Benton County Jail's Motion to
19 Dismiss (ECF No. 21). Defendant Benton County Jail filed the Motion on January
20 24, 2018. Plaintiff Linda Bays has not filed a response. This matter was submitted
for consideration without oral argument. The Court has reviewed the record and
files herein, and is fully informed. As discussed below, the Motion is GRANTED.

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ORDER GRANTING DEFENDANT BENTON COUNTY JAIL'S
MOTION TO DISMISS ~ 1

1 Defendant Benton County Jail requests the Court dismiss the action against
2 it on two grounds. First, Defendant argues that “Benton County Jail is not a
3 distinct legal entity, and as such it is not a proper party to this action.” ECF No. 21
4 at 3. Rather, the proper party for suits arising out of the Benton County Jail must
5 be Benton County itself. ECF No. 21 at 2. Second, Defendant argues Plaintiff has
6 failed to state a claim for relief because she fails to assert any specific policy or
7 procedure to justify *Monnell* liability. ECF No. 2 at 4-5 (citing *Monell v. Dep’t of*
8 *Soc. Servs. of City of New York*, 436 U.S. 658, 691 (1978)). The Court agrees with
9 Defendant on the first point, making the second point moot.

10 Defendant Benton County Jail is correct in its assertion that it is not the
11 proper party to this suit: suits for actions involving Benton County Jail are properly
12 brought against Benton County. *See Brandon v. Holt*, 469 U.S. 464, 472 (1985).¹
13 This is because municipal departments have “no greater separate identity from the
14 [local government]” than do individual officers of the government entity acting in
15 their official capacity” and thus cannot be sued in their own capacity. *Id.* As a
16 result, the Court must dismiss Benton County Jail from the suit. *See e.g., Vance v.*
17 *Santa Clara Co.*, 928 F. Supp. 993 (N.D. Cal. 1996) (dismissing Santa Clara
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19 ¹ The Court recognized this possibility in its Order Directing Service (ECF
20 No. 8). ECF No. 8 at 4, n.4.

1 Department of Corrections as an improper Defendant); *Stump v. Gates*, 777 F.
2 Supp. 808, 816 (D. Colo. 1991), *aff'd*, 986 F.2d 1429 (10th Cir. 1993) (dismissing
3 police department and coroner's office because they are not distinct legal entities).

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 Defendant Benton County Jail's Motion to Dismiss (ECF No. 21) is

6 **GRANTED.**

7 The District Court Executive is directed to enter this Order, furnish copies to
8 the parties, and terminate Defendant Benton County Jail from the docket.

9 **DATED** March 15, 2018.



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Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge